

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 804 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

THAKORBHAI SOMABHAI PRAJAPATI

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL

MR SK PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/10/1999

ORAL JUDGEMENT

#. By this Special Criminal application, the prisoner-petitioner is praying for grant of furlough leave to him.

#. Furlough leave applied by him to the competent authority came to be rejected under the order dated 29.4.99 on the ground that the District Superintendent of

Police, Bharuch, has given adverse opinion regarding releasing him on furlough leave. In that order, it has further been mentioned that if the prisoner so desires, he can file fresh application as per Rule 9 of the Bombay Parole/Furlough Rules, 1959. So after six months from the date of order, the petitioner has right to file fresh application. That six months' period will end on 28th October, 1999 and at this stage, I do not consider it to be appropriate to consider this matter on merits and pass appropriate order. However, I notice from the reply affidavit filed by respondent No.3, that the petitioner was twice released on bail for the period from 12.12.96 to 26.12.96 and from 4.12.97 to 12.1.98. He has also been released on furlough when it became due for the period from 14.8.97 to 27.8.97 and he reported in time. On three occasions on his release either on temporary bail or furlough leave, nothing untoward incidence has been reported against him. This goes to show prima-facie, that the police report as now given may not be correct or the police authority would not have expresses its opinion after making adequate investigation in the matter. Be that as it may, as I am not expressing any final opinion nor deciding the matter finally, it is a matter for consideration of the authority as and when petitioner applies again for the furlough leave to it. In the result, this Special Criminal Application fails and the same is dismissed. Rule discharged.

(S.K.Keshote, J.)

[sunil]